



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. L. L. Geren
County Attorney
Limestone County
Crossbeck, Texas

Dear Sir:

Attention of Mr. Clarence Ferguson

Opinion No. 0-1926

Re: Are members of the commissioners' court of Limestone County entitled to expense money for trips out of the county on official business of the county?

Your request for opinion upon the above stated question has been received and carefully considered by this department.

We quote from 11 Texas Jurisprudence, pages 553-4-5 as follows:

"Counties, being component parts of the State, have no powers or duties except those which are clearly set forth and defined in the Constitution and statutes. The statutes have clearly defined the powers, prescribed the duties, and imposed the liabilities of the commissioners' courts, the medium through which the different counties act, and from these statutes must come all the authority vested in the counties.... Commissioners' courts are courts of limited jurisdiction in that their authority extends only to matters pertaining to the general welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law,—that is, by the Constitution and statutes of this State."

You state in your letter that Limestone County, Texas, operates under the General Road Law. We have been

Hon. L. L. Geren, Page 2

unable to find any statutory authority which would allow the commissioners of Limestone County any expenses for trips out of the county on official business.

This department has repeatedly held, that in the absence of a valid statute, the commissioners court has no authority to allow any sums of money to its members for expenses.

The commissioners' court in the absence of a valid statute is unauthorized to allow automobile expenses to its members. See Letter Opinions of this department, Vol. 380, page 642, dated March 15th, 1939, written by Hon. James N. Neff, Assistant Attorney General, and addressed to Hon. R. N. Stripling, County Judge, San Augustine, Texas.

Opinion No. O-899 of this department, held House Bill No. 866 of the 46th Legislature of Texas, relating to traveling expenses of county commissioners in counties having a population of not less than 22,100 and not more than 22,500, according to the last preceding Federal Census, was unconstitutional in that it was a special or local law regulating the affairs of counties and prohibited by Section 36 of Article III of the Constitution of Texas.

The commissioners' court, in the absence of a valid statute, does not have authority to allow themselves expense money for gasoline spent in discharge of their duties. See Letter Opinions of this department, dated January 23, 1935, written by Hon. Leon O. Moses, Assistant Attorney General of Texas, addressed to Hon. W. C. McDonald, County Attorney, Robert Lee, Texas.

Also see opinions Nos. O-752, O-899, O-996 and O-1345 of this department.

You are, therefore, respectfully advised that

Hon. L. L. Geren, Page 3

it is the opinion of this department that your question should be answered in the negative and it is so answered.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Wm. J. Fanning

Wm. J. Fanning
Assistant

APPROVED FEB 20, 1940
WJF:AN

[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

